

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY CASES

Master Docket No.12-12052-FDS

This Document Relates To:

KATHLEEN GUZMAN,

Plaintiff,

v.

NEW ENGLAND COMPOUNDING
PHARMACY, INC. d/b/a
NEW ENGLAND COMPOUNDING
CENTER,

Defendant.

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CIVIL ACTION NO: 1:12-cv-12208-FDS

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S ASSENTED-TO
MOTION FOR AN EXTENSION OF TIME TO JANUARY 2, 2013 TO ANSWER
PLAINTIFF'S COMPLAINT**

NOW COMES defendant New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center ("Defendant") and moves this Court for an Extension of Time to January 2, 2013 for Defendant to Answer Plaintiff's Complaint. The Plaintiff has assented to this motion. In further support of the motion, the Defendant states as follows:

1. On or about November 19, 2012, this action was filed in the Trial Court for the Commonwealth of Massachusetts, Middlesex Superior Court Department, captioned Kathleen Guzman v. New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center, Civil Action No. 12-4523.

2. Thereafter the Complaint was served on NECC.

3. The above captioned matter was removed from the Massachusetts Superior Court to this Court on November 29, 2012.

4. On November 30, 2012, Plaintiff filed a Motion to Remand the case to the Massachusetts Superior Court.

5. On December 14, 2012, the Defendant filed a Motion to Extend the Deadline for Opposing Plaintiff's Motion to Remand.

6. The Court granted the Defendant's Motion to Extend on December 14, 2012. The Opposition to Plaintiff's Motion to Remand is due this Friday, December 21, 2012.

7. It will promote judicial economy to have the Answer be filed after the remand issue is decided. It will be less expensive and more efficient to have the Answer filed in the Court where the action will ultimately proceed.

8. Defendant's counsel also requires additional time in order to evaluate the allegations in the Complaint and prepare a full and adequate response on behalf of the Defendant.

9. This request is not interposed for delay and Plaintiff will suffer no prejudice by this Court granting this short (two week) extension during the holiday season. Plaintiff's counsel has assented to this motion.

Respectfully submitted,

Defendant,
New England Compounding Pharmacy, Inc.,
By its Attorneys,

/s/ Geoffrey M. Coan

Geoffrey M. Coan, BBO # 641998

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Date: December 19, 2012

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

In accordance with Local Rule 7.1(a)(2), I, Garrett D. Lee, do hereby certify that I conferred with Plaintiff's counsel regarding Defendant's Assented-To Motion for an Extension of Time to January 2, 2013 to Answer the Plaintiff's Complaint.

Dated: December 19, 2012

/s/ Garrett D. Lee
Garrett D. Lee

CERTIFICATE OF SERVICE

I, Geoffrey M. Coan, hereby certify that on this 19th day of December, 2012, the documents filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Geoffrey M. Coan
Geoffrey M. Coan